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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,885	02/12/2002	Wayne E. Shanks	1689.0210001	2429
26111	7590	07/25/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			PHAM, LAM P	
			ART UNIT	PAPER NUMBER
			2636	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/072,885

Applicant(s)

SHANKS ET AL.

Examiner

Lam P. Pham

Art Unit

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) 23-65 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-13 is/are allowed.
- 6) ☒ Claim(s) 1-7, 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/26/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-7 rejected under 35 U.S.C. 102(e) as being anticipated by Moyer (US 6774766).

Regards claim 1, Moyer discloses a method in a radio frequency identification (RFID) tag device for controlling an operating state of the tag device using a reader (interrogator or transceiver 2), wherein the operating state is chosen from a plurality of possible states (initialized, read or idle state) comprising the step of:

- (a) receiving a symbol (RESET, SYNC, ZERO, ONE, CHANGE1 or READ/MATCH or CHANGE2) from the reader when the operating state is present state (initialized state, read state, idle state);
- (b) determining a new state (initialized state, read state, idle state) for the operating state based upon the received symbol and present state; and
- (c) transitioning the operating state from the present state to the determined new state as seen in Figures 1-8; col. 7, lines 19-67; col. 8, lines 1-67; col. 9,

lines 1-67; col. 10, lines 1-67; col. 11, lines 1-67; col. 12, lines 1-67 and col. 13, lines 1-14.

Regards claim 2, Moyer discloses step (c) includes the step of:

transitioning the operating state from the present state to the determined new state without receiving any symbols from the reader other than in step (a) as seen in col. 12, lines 15-67 and col. 13, lines 1-14.

Regards claim 3, Moyer discloses further comprising the step of:

(d) repeating steps (a)-(c) for other tags.

Regards claim 4, Moyer discloses step (a) includes the step of:

determining the received symbol to be a data "0" or data "1" as seen in figures 4 and 7; col. 12, lines 62-67 and col. 13, lines 1-14.

Regards claim 5, Moyer discloses the step (c) includes the step of:

transmitting a symbol (ZERO, ONE or MATCH) from the tag device to the reader as seen in Figures 5 and 7; col. 12, lines 19-67.

Regards claim 6, Moyer discloses the symbol transmitted to the reader includes a bit of an identification number, wherein said transmitting step includes the step of :

transmitting the bit of the identification number as seen in col. 12, lines 19-34.

Regards claim 7, Moyer discloses further comprising the step of:

(d) performing the steps (a)-(c) regardless whether the reader is performing a general read interrogation or a specific read interrogation as seen in col. 12, lines 20-67 and col. 13, lines 1-14.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 14-22 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 14 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the step indicating a presence and a definition of a third state (dormant) and when the third state is transitioned to from the fourth state (Tree Traversal). See claims 8, step (c) and 11. The steps should be labeled in alphabetical and numeral order.

Allowable Subject Matter

6. Claims 8-13 allowed.

7. Claims 14-22 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lam P. Pham whose telephone number is 571-272-2977. The examiner can normally be reached on 9AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery A. Hofsass can be reached on 571-272-2981. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lam Pham
July 21, 2005


JEFFERY HOFSSASS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600